

REMARKS**Rejection of Claim 1 under 35 USC 102(d) as being barred by Salice (EP 1,477, 628)**

The Salice '628 reference discloses a furniture hinge that includes: a fixing arm 1 for fixing to a piece of furniture 4, a member 7 for fixing to a door 11, a first 6 and a second 5 rocker, forming a four-bar linkage and connecting said fixing arm 1 to said member 7 for fixing to a door 11 so as to enable reciprocal pivoting, an elastic element 8 provided with first and second arms 8', 8" and hinged to a pivoting pin 12 of the first rocker 6 at an end thereof, said pivoting pin 12 connecting the fixing arm 1 to the first rocker 6, wherein the first arm 8' of the elastic element 8 exerts an elastic reaction on the fixing arm 1 and the second arm 8" of the elastic element 8 exerts an elastic reaction on the protrusion or cam 9', 9", 9"" of the second rocker 5, so as to compress the elastic element and to produce a moment in the opening or closing direction of the door. The shape of the protrusion or cam found on the second rocker 5 will determine if the moment is in the opening or closing direction.

Amended independent claim 1 includes the limitation that the second arm of the elastic element exerts a reaction force on the first rocker. This differs from the Salice '628 reference which discloses that an elastic reaction from a second arm is exerted on a protrusion or cam of the second rocker. As the Salice '628 reference does not disclose a second arm of the elastic element exerting an elastic reaction on the first rocker, Claim 1 is not barred.

Newly Presented Claim 5 corresponds to previously presented claim 1 including the limitations of claim 3, now cancelled. Claim 5 includes the description that the first arm of the elastic element exerts an elastic reaction on the second rocker and the second arm of the elastic element exerts an elastic reaction on the member for fixing to the door. As stated above, the Salice

‘628 reference that an elastic reaction from a second arm is exerted on a protrusion or cam of the second rocker. There is no disclosure of the first arm of the elastic element exerts an elastic reaction on the second rocker and the second arm of the elastic element exerts an elastic reaction on the member for fixing to the door; therefore claim 5 is not barred by the Salice ‘628 reference.

Rejection of Claim 4 under 35 USC 103(a) as being unpatentable over Salice (EP 1,477, 628) in view of Ferrari (US 5,373,609) in view of Kawano (JP 1,247,697)

Claim 4 depends from claim 1 and claim 6 includes the limitation of claim 4 but depends from claim 5. The Salice reference has been discussed above and the description will not be repeated. However it is noted that the Salice reference does not teach or suggest a first arm of the elastic element exerting an elastic reaction on the second rocker and the second arm of the elastic element exerting an elastic reaction on the member for fixing to the door, as required in claim 5. Additionally, the Salice ‘628 reference does not disclose that the second arm of the elastic element exerts a reaction force on the first rocker, as stated in claim 1.

At the outset it is noted that neither the Ferrari reference nor the Kawano reference teaches an elastic element that exerts an elastic reaction against the member for fixing to the furniture or door and the other arm exerts a reaction on one of the rockers so as to compress the elastic element to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door and wherein the elastic element is hinged to the pin connecting the fixing arm to the first rocker. As stated above, the Ferrari reference teaches the use of a spring applying a closing force when in a closing position.

The Kawano reference discloses a spring element 19 that is pivoted about a different point than the pin connecting the fixing arm to the first rocker. Referring to the figures in the

Kawano reference, the pin 19 is shown to pivot about a separate pivot 18 that does not connect the fixing arm to the first rocker.

To establish prima facie obviousness all the claim limitations must be taught or suggested by the prior art. (See MPEP section 2143.03) As there is no disclosure in the combination of references of a first arm of the elastic element exerting an elastic reaction on the second rocker and the second arm of the elastic element exerting an elastic reaction on the member for fixing to the door or of the second arm of the elastic element exerts a reaction force on the first rocker, as described above, applicant's attorney respectfully requests withdrawal of the rejection.

Rejection of Claim 3 under 35 USC 103(a) as being unpatentable over Salice (EP 1,477, 628) in view of Ferrari (US 5,373,609) in view of Mueller (DE 2,746,410)

Claim 5 includes the limitations of now cancelled claim 3 incorporated with claim 1. Therefore the discussions will be with respect to now pending claim 5. The Salice reference has been discussed above and the description will not be repeated. However it is noted that the Salice reference does not teach or suggest a first arm of the elastic element exerting an elastic reaction on the second rocker and the second arm of the elastic element exerting an elastic reaction on the member for fixing to the door.

As stated above, the Ferrari reference does not teach an elastic member that exerts an opening force when in a closing position.

The examiner in the office action states: "Mueller teaches a hinge with an elastic element (10) hinged to the pin (12) connecting the member (5) to a first rocker (10) and the first arm of the elastic element exerts an elastic reaction on the member (5)." The Mueller reference does not disclose a first rocker or a second rocker as required in the claims as is noted by the examiners use of item 10 as both the elastic member and the rocker in the above recited sentence. The

Mueller reference discloses a hinge having a first spring 10 and a second spring 6 that exclude the use of first and second rockers. As a result there can be no teaching of the first arm of the elastic element exerting an elastic reaction on the second rocker as required in defendant claim 3.

To establish prima facie obviousness all the claim limitations must be taught or suggested by the prior art. (See MPEP section 2143.03) As there is no disclosure of a first arm of the elastic element exerting an elastic reaction on the second rocker and the second arm of the elastic element exerting an elastic reaction on the member for fixing to the door, as required in claim 5, in the combination of the references, applicant's attorney respectfully requests withdrawal of the rejection.

CONCLUSION

It is argued that the present amendment places all of the claims in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to telephone the undersigned attorney if doing so would advance prosecution of this case.

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Respectfully submitted,

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